though it is found that he is innocent of the offence. Then there is also no provision in the Act to allow compounding of the offences under the Act. In the actual working of the Act the absence of these provisions is found presenting serious difficulties. It is to cure these defects that the present amendment is sought for.

**Mr. M. Sivarama Menon** *(Advocate-General):* I second it.

*Motion put and carried*

**Secretary to the Council:** The title of the Bill is the Cochin Tobacco Act (Amendment) Bill.

**Mr. M. Raman Menon** *(Commissioner of Excise):* I beg to move that the President may be pleased to suspend the operation of S. O. 32.

**Mr. President:** The Standing Order is suspended.

**Mr. M. Raman Menon** *(Commissioner of Excise):* I move that the Bill be taken up for consideration.

**Mr. M. Sivarama Menon** *(Advocate-General):* I second it.

*Clauses 2 to 9 put and carried*

*Clause 1 put and carried*

*Title and premable put and carried*

**Mr. M. Raman Menon** *(Commissioner of Excise):* I move that the Bill may be taken up tomorrow and finally passed.

**Mr. M. Sivarama Menon** *(Advocate-General):* I second it.

*Motion put and carried*

## RESOLUTIONS—*(cont.)*

### Short Notice Resolution

### To keep the Town Councils Act in abeyance until the conclusion of the war

**Mr. President:** Under the proviso to rule 42 Mr. C. V. Iyyu is given permission to move a short notice resolution.

**Mr. C. V. Iyyu** *(Kunnamkulam):* Sir I beg to move the the following resolution.—

*"This Council recommends to the Government that the Cochin Town Councils Act be held in abeyance until the conclusion of the war."*

My aim in moving this resolution is only to have all the Town Councils now existing abolished and the local areas where these Town Councils are constituted be relegated to the position which

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they occupied before the Act came into force and not to introduce new Town Councils anywhere until the war is over. I appeal that the House may be pleased to pass this resolution unanimously.

**Mr. A. V. Moothedan** *(Chalakkudi):* I second it.

**Mr. E. Ikkanda Warrier** *(Cheruthuruthi):* I am very sorry to have to oppose this resolution. This was really sprung upon me this morning at 11. 5. I don't know the reason that actuated the hon'ble mover for tabling a resolution and the Hon'ble President for waiving the usual notice and ballot. As the hon'ble member did not make a speech explaining his reason, there does not exist the necessity to make a long speech in reply. My firm conviction is that it is not advisable to stop the working of the Town Councils. War has nothing to do with the working of Town Councils.

War cannot any more adversely affect the inhabitants of the Town Councils than those in our Municipalities. I would even go further and say that these small self-governing institutions will serve the interests of those localities better in times of trouble. I oppose the resolution.

**Mr. V. J. Mathai** *(Planters):* Sir, I rise to support the resolution. Extraordinary situations require extraordinary remedies. We are in a state in the affairs of man in which every precaution has to be taken against the impending calamity, if I may say so, of the war extending over to us. We find as a matter of fact that throughout the whole length and breadth of Cochin State there is a vast agitation about this Town Council. I ask my hon'ble friend Mr. Ikkanda Warrier whether it is not a fact.

**Mr. E. Ikkanda Warriar** *(Cheruthuruthi):* I don't admit that. There has been opposition from a few and a referendum has been ordered. Why not watch its results?

**Mr. V. J. Mathai** *(Planters):* Will you admit that this is not the fit time for such quarrels? This is an extraordinary situation and extraordinary situations require extraordinary measures. From what we hear on the wireless and the newspapers we are to understand that the situation in the Pacific is very very serious. Under these circumstances, we have to give up our loins for a fight. It is necessary to protect our children, our hearth and homes. We should be absolutely united. With these few words, I support the resolution.

മിസ്റ്റർ വി. കെ. കുട്ടി: സർ, ഞാൻ ഈ പ്രമേയത്തെ അനുകൂലിക്കുന്നു.

**Dr. A. R. Menon** *(Minister for Rural Development):* Sir, as I have stated before, this Bill was introduced and carried out after consulting the Council. My first and important duty must

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necessarily be to see that the position, status and the prestige of the Council should not be impaired by any action on my part *(Hear, hear)*. Therefore, when this question was brought to my notice by the Head of the Administration who must bear almost entirely the responsibility of administering the State at a time of war, it is my duty to reconsider my position and to extend to him that active co-operation and that loyal service which may enable him to discharge his duties under the most trying circumstances *(Hear, hear)*. That was the reason why I immediately consented to reconsider this position, provided the general sense of the House is in favour of the course of policy as recommended by Mr. C. V. Iyyu. We are living in difficult times and there is a possibility, if we can draw our inferences from what is taking place, that the rumbling and the thunder of the war may be heard by us in the near future. In such circumstances, however much we may think about individual prestige, it is essential to sink such considerations. I have learned from the little experience I have gathered as taking a humble part in the running of the administration of this State that there is no quality so essential in an administrator as a spirit of co-operation, that spirit of adjustment and that spirit of "give and take" which, in my view, is a much more essential qualitiy than the sharpness of brains or the cleverness of tongue. I myself have been an inspiring critic of the Government in the past, and I can understand and appreciate criticisms because they are essential for the proper conduct of the Government. But I submit that though hostile criticisms have been offered in this case, not a single word of answer has been given by me because I gave credit to the critics though their knowledge being imperfect, they did not understand all the implications and all the difficult positions in which people may sometimes be placed. It is only the want of knowledge of these considerations that prompted them to offer these criticisms and therefore I had the good sense not to take up this matter or to answer any criticism however violent and personal they may be. This is the real position and if the House thinks, as I think, that conditions are such that no question of controversy as far as possible should be allowed to take place in this small State at the present time, then, I think the House will give their direction to that effect and I will carry it out.

**Mr. E. Ikkanda Warrier** *(Cheruthuruthi):* Why not suspend this Council also?

**Dr. A. R. Menon** *(Minister for Rural Development):* I know a little of your method. I want to avoid any such controversy here.

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**Mr. E. Ikkanda Warrier** *(Cheruthuruthi):* As if I don't know yours!

**Mr. M.K. Devassy** *(Adur):* Sir, I only want to place two sentences before the House. They are not dangerous sentences and I cannot understand the nervousness of some hon'ble members.

Sir, the Progressive Party has been all along opposing the Town Council Measure and it is so well known that it requires no reiteration whatsoever. Since the effect of this resolution will be to relieve those areas now constituted as Town Councils from the mischief of that unhappy measure, in our opinion we lend our wholehearted support to the resolution.

**Mr. T. S. Ramachandra Ayyar** *(Chittur-Tattamangalam):* On a point of information, Sir, may I know, as the Bill is sought to be kept in abeyance, whether the Town Council establishment and all the connected paraphernalia will be maintained or the *status quo ante* will be restored?

**Dr. A. R. Menon** *(Minister for Rural Development):* That will be considered without giving the least trouble to the people and giving the maximum benefit.

**Mr. President:** The existing Town Councils will be suspended.

**Dr. A. R. Menon** *(Minister for Rural Development):* As far as possible the local population will not be put into trouble.

*Resolution put and carried unanimously*

*The House rose for lunch at 1 p. m. and re-assembled at 2-30 p.m. with M. R. Ry. K. Ayyappan Avl., Deputy President, in the Chair.*

## RESOLUTION No. 9—*(cont.)*

### Effective recognition to the principle of communal justice in appointments above the purview of the Staff Selection Board

**Mr V. J. Mathai** *(Planters):* Sir, yesterday I said that there is no principle underlying this resolution because the only principle is that offices should be distributed according to the number of births in each community. Secondly, I said that the only underlying point is suspicion. Suspicion of one another. The Christian suspects the Nayar and the Nayar suspects the Christian—the Christian feeling that the Nayar will not mete out justice to him and *vice versa*. If it is only suspicion we should do every thing to see that such suspicion is removed and not pander to that feeling of suspicion. I said there is absolutely no reason for such suspicion in the existing state of affairs. Our officers are not favouring their own



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